

REMARKS

In the Notice of Non-Compliant Amendment dated August 6, 2008, the Examiner indicated that the claims submitted with the amendment of April 30, 2008 were not provided with markings showing all changes that were made to the claims relative to the amendment filed on October 29, 2007. Applicants apologize for the typographical errors contained in the claims section of the previous response, and note that the corrected claims submitted herewith include proper markings showing all changes made to the claims relative to the amendment filed on October 29, 2007.

In addition, Applicants note that the claims have been further modified in order to address the Examiner's position in the Notice of Non-Compliant Amendment that the claims submitted in the reply of April 30, 2008 were directed to an invention that was independent and distinct from claims as submitted in the amendment filed on October 29, 2007. In particular, in view of the Examiner's comments on page 2 of the Office Action, Applicants note that the claims have been amended so as to remove any phrase from the claims indicating that "all data" has been destroyed. Accordingly, Applicants submit that the claims presented herein are directed to the same invention as presented in the amendment filed on October 29, 2007, and therefore kindly request that the Examiner consider the claims on the merits.

In light of the amended claims presented herein, Applicants will address below each of the objections and rejections set forth in the Office Action dated February 1, 2008. Applicants note that claims 1, 2, 4, 7-14, 17, 18, 22-26, 28-31, 35, 36, 38-41 and 44 are all the claims pending in the application.

I. Objections to the Specification

The Examiner has objected to the specification as failing to proper antecedent basis for the subject matter in claim 1 drawn to a computing device comprising "a processor".

In order to expedite prosecution, Applicants have amended claim 1 by removing the feature of "a processor" therefrom, and by adding the feature of "a reproducing unit" thereto. The feature of a "reproducing unit" is supported by, for example, the reproducing unit 110 in Fig. 2. Applicants submit that a reproducing unit is clearly not a piece of software, and thus, claim 1 clearly cannot be considered as being directed to merely a program listing per se. Accordingly, Applicants respectfully request that the Examiner withdraw the objection.

The Examiner also has objected to the specification as failing to proper antecedent basis for the claimed subject matter recited in claims 46-48. Applicants have canceled claims 46-48 without prejudice or disclaimer to the subject matter recited therein. Thus, Applicants respectfully request that the objection has been rendered moot.

In view of the foregoing, Applicants kindly request that the above-noted objections be reconsidered and withdrawn.

II. Claim Rejections under 35 U.S.C. § 112, first paragraph

Claims 1, 2, 4, 7-14, 17-18, 22-24, and 46-48 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement for the same reasons as discussed above with respect to the objections to the specification. As noted above, claim 1 has been amended so as to remove the term "a processor" therefrom, and claims 46-48 have been canceled without prejudice or disclaimer.

In view of the foregoing, Applicants kindly request that the above-noted rejection under

35 U.S.C. § 112, first paragraph be reconsidered and withdrawn.

III. Claim Rejections under 35 U.S.C. § 103

A. Claims 1-2, 4, 7-8, 12-14, 22-26, 28, 31, 34-36, 38, 41 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita (US 6,694,022) in view of Masinter (US 5,742,807), and further in view of Prasad (US 5,826,083).

Claim 1 recites the features of a computing device comprising: a recording medium operable to record target data, the target data being made up of a plurality of data blocks; a reproducing unit operable to reproduce the target data from the recording medium; a first judging unit operable to judge, for each data block recorded on the recording medium, whether the data block needs to be nullified when the data block is reproduced from the recording medium; a sequential nullifying unit operable to destroy only a part of the reproduced data block judged as needing to be nullified while the reproducing unit reproduces the target data from the recording medium, the part of the reproduced data block including data necessary to reproduce remaining parts of the reproduced data block judged as needing to be nullified, the remaining parts being unable to be reproduced without the part of the reproduced data block judged as needing to be nullified; a total nullifying unit operable to destroy all of the remaining parts that have not been destroyed by the sequential nullifying unit; and a processing capacity judging unit operable to judge whether the computing device has a processing capacity sufficient to destroy all of the remaining parts while the reproducing unit reproduces the target data from the recording medium, and to control the total nullifying unit to destroy all of the remaining parts when the processing capacity judging unit judges that the computing device has the processing capacity sufficient to destroy all of the remaining parts. Applicants respectfully submit that the applied prior art

references do not teach or suggest the above-noted combination of features recited in claim 1.

Regarding the Matsushita reference, Applicants note that this reference discloses that when a stored digital broadcast is read, upon detecting a “copy-disallowance signal”, the digital broadcast is simultaneously erased by overwriting the broadcast data with “0” (see col. 7, lines 18-24 and col. 6, lines 51-54). In other words, Matsushita merely discloses the ability to overwrite all data of a stored digital broadcast.

In setting forth the rejection, the Examiner admits that Matsushita fails to disclose “a sequential nullifying unit” operable to destroy only a part of a data block judged as needing to be nullified, the part including data necessary to utilize remaining parts of the data block; “a processing capacity judging unit” operable to judge whether the data nullification device has a processing capacity sufficient to destroy all data which is judged as needing to be nullified; and “a total nullifying unit” operable to destroy data which is included in the data block judged as needing to be nullified and is not destroyed by the sequential nullifying unit, when the processing capacity judging unit judges that the data nullification device has the sufficient processing capacity.

In this regard, the Examiner notes that Matsushita discloses that the new data blocks were recorded to the same medium as the judged data blocks, and the previously judged data were zeroed.

However, Matsushita fails to disclose at least a sequential nullifying unit operable to destroy only a part of the reproduced data block judged as needing to be nullified while the reproducing unit reproduces the target data from the recording medium, the part of the reproduced data block including data necessary to reproduce remaining parts of the reproduced data block judged as needing to be nullified, the remaining parts being unable to be reproduced

without the part of the reproduced data block judged as needing to be nullified. Matsushita also fails to disclose a processing capacity judging unit operable to judge whether the computing device has a processing capacity sufficient to destroy all of the remaining parts while the reproducing unit reproduces the target data from the recording medium and to control the total nullifying unit to destroy all of the remaining parts when the processing capacity judging unit judges that the computing device has the processing capacity sufficient to destroy all of the remaining parts.

Thus, the pending claims are clearly distinguished over Matsushita.

In setting forth the rejection, the Examiner relies on Masinter regarding that which the Examiner admits is lacking in Matsushita. Regarding the Masinter reference, Applicants note that this reference discloses that an entire document can be made unreadable by only erasing a one-way hash key (see col. 2, lines 60-61).

However, Masinter fails to disclose at least a sequential nullifying unit operable to destroy only a part of the reproduced data block judged as needing to be nullified while the reproducing unit reproduces the target data from the recording medium, the part of the reproduced data block including data necessary to reproduce remaining parts of the reproduced data block judged as needing to be nullified, the remaining parts being unable to be reproduced without the part of the reproduced data block judged as needing to be nullified. Rather, Applicants note that Masinter merely teaches the ability to validate the hash-to-location index 20 (Fig. 1) using Fig. 4 (col.5, lines 3-48). In Masinter, the validation process is performed when back-ups of the files are made in the file system 26 (col. 5, lines 7-8) or when the documents in the file system 26 are moved from one place to another (col. 5, lines 9-14). In this case, the document can be destroyed by destroying access to the hash (col. 5, lines 46-48). In other

words, Masinter does not contain any disclosure regarding destruction of a part of the reproduced data block judged as needing to be nullified “while the reproducing unit reproduces the target data”, since Masinter merely suggests that the document can be destroyed by destroying access to the hash when back-ups of the files are made in the file system 26 or when the documents in the file system 26 are moved from one place to another.

Thus, the pending claims are clearly distinguished over Masinter.

In setting forth the rejection, the Examiner relies on Prasad regarding that which the Examiner admits is lacking in Matsushita and Masinter. Regarding the Prasad reference, Applicants note that this reference discloses a system which self-regulates its consumption of CPU cycles involving Monitoring the CPU load. Prasad teaches that when the CPU load surpasses a threshold, the application is decreased to a lower functional level and vice versa.

However, Applicants submit that Prasad fails to disclose at least a processing capacity judging unit operable to judge whether the computing device has a processing capacity sufficient to destroy all of the remaining parts while the reproducing unit reproduces the target data from the recording medium and to control the total nullifying unit to destroy all of the remaining parts when the processing capacity judging unit judges that the computing device has the processing capacity sufficient to destroy all of the remaining parts. Rather, Applicants note that Prasad merely teaches video conferencing application 100 as shown in Fig. 2. In Prasad, the video conferencing application 100 includes video subsystem 104 which provides video services to video conference manager 102. In particular, the video subsystem 104 provides decompression services for remote video received by transport independent communication subsystem 108, and color conversion services to decompressed remote video as well as video captured by video hardware 200. The video subsystem also includes mainline logic 14 which provides the above

described mainline video services. The video subsystem 104 further includes self-regulating logic 16 which self-regulates CPU cycle consumption by the mainline logic 14. The self-regulating logic 16 contains monitor logic 18 which monitors CPU load of the conferencing system during operation and which decrementally adapts execution of the mainline logic 14 to decreasingly lower function levels in accordance to adaptive policies 20 (col. 3, lines 47 through col. 4, line 26). In other words, monitor logic 18 which monitors CPU load of the conferencing system while the video subsystem 104 provides decompression services for remote video received by transport independent communication subsystem 108, and color conversion services to decompressed remote video as well as video captured by video hardware 200.

Thus, Prasad does not contain any disclosure regarding a processing capacity judging unit that judges whether the computing device has a processing capacity sufficient to destroy all of the remaining parts while the reproducing unit reproduces the target data from the recording medium.

Thus, the pending claims are clearly distinguished over Prasad.

In the Office Action, the Examiner has taken the position that the combination of Matsushita, Masinter and Prasad would motivate one of ordinary skill in the art to overwrite only the decryption key for each packet judged to be erased when the load is above a certain threshold and overwrite each packet judged to be erased when the load is below the threshold (see Office Action at page 6). Applicants respectfully disagree.

In particular, Applicants submit that neither Masinter nor Prasad discloses that which the Examiner admits is lacking in Matsushita, as discussed above. Masinter merely suggests that the document can be destroyed by destroying access to the hash when back-ups of the files are made in the file system 26 or when the documents in the file system 26 are moved from one

place to another. Prasad merely teaches that monitor logic 18 monitors CPU load of the conferencing system while the video subsystem 104 provides decompression services and color conversion services.

Thus, neither Masinter nor Prasad discloses a sequential nullifying unit that destroys only a part of the reproduced data block judged as needing to be nullified "while the reproducing unit reproduces the target data from the recording medium" as well as a processing capacity judging unit that judges whether the computing device has a processing capacity sufficient to destroy all of the remaining parts "while the reproducing unit reproduces the target data from the recording medium".

Therefore, Applicants submit that even if one attempted to combine the teaching of Matsushita with Masinter and Prasad in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, the above combinations of the features of the present invention.

Therefore, Applicants submit that the suggested combination of Matsushita with Masinter and Prasad does not render the presently claimed invention obvious, and thus, respectfully request that the U.S.C. § 103(a) rejection be withdrawn.

Accordingly, Applicants respectfully submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested. Claims 2, 4, 7-14, 17-18, and 22-24 depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Regarding claims 25 and 35, Applicants note that both of these claims recite features similar to claim 1. For at least similar reasons as discussed above with respect to claim 1, Applicants respectfully submit that the cited prior art references do not teach, suggest or

otherwise render obvious at least the above-noted features recited in claims 25 and 35.

Accordingly, Applicants submit that claims 25 and 35 are patentable over the cited prior art, an indication of which is kindly requested. Claims 26 and 28-31 depend from claim 25, and claims 36 and 38-41 depend from claim 35. Accordingly, Applicants submit that these claims are patentable at least by virtue of their dependency.

B. Claims 9-11, 29, 30, 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita in view of Masinter and Prasad, and further in view of Garfinkle (US 5,400,402).

Claims 9-11 depend from claim 1; claims 29 and 30 depend from claim 25; and claims 39 and 40 depend from claim 35. Applicants respectfully submit that Garfinkle fails to cure the deficiencies of Matsushita, Masinter and Prasad, as discussed above, with respect to claims 1, 25 and 35. Accordingly, Applicants submit that claims 9-11, 29, 30, 39 and 40 are patentable at least by virtue of their dependency.

C. Claims 17-18 and 46-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita in view of Masinter and Prasad, and further in view of Boyce (US 5,717,816).

Claims 17 and 18 depend from claim 1. Applicants respectfully submit that Boyce fails to cure the deficiencies of Matsushita, Masinter and Prasad, as discussed above, with respect to claim 1. Accordingly, Applicants submit that claims 17 and 18 are patentable at least by virtue of their dependency. Applicants note that claims 46-48 have been canceled without prejudice or disclaimer.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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